

REMARKS

The Examiner has rejected the application on various bases. In response thereto, Applicant has amended the application so as to overcome the rejections raised by the Examiner. Applicant submits that the application is in condition for allowance at the present time.

Applicant acknowledges the Examiner's explanation of the election and restriction issues surrounding prior Groups I-III.

The Examiner has objected to the Specification based upon the contention that the range of angles is typed in reverse order. Applicant submits that the stated range of angles is not in reverse order. In particular, the range of angles identified by the Examiner are described in connection with the range of angles 95° to 100°. This has been written such that it is clear that the value of 95° goes with the value of 85° and the value of 100° goes with the value of 80° (i.e., that the second angle is a complement of the first angle of the previous set). As such, Applicant submits that the angles are properly stated, and that amendment to the specification is not proper and not necessary.

The Examiner has indicated that claims 4 through 9 and 11 would be deemed allowable if rewritten in independent form. As such, Applicant has added a new independent claim 22 which includes the elements of prior claims 1, 3, 4 and 6. Applicant has added further claims 23 through 27 which correspond to prior claims 5, 7 through 9 and 11 as depending from newly added independent claim. Accordingly, claims 22 through 27 should be deemed allowable at the present time.

The Examiner has rejected claims 1, 3, 10, 12 and 19-21 under 35 U.S.C. §102 based on the contention that they are anticipated by U.S. Patent No. 6,085,654 issued to Gunschera et al (the '654 patent). The Examiner has rejected claim 2 under 35 U.S.C. §103 based on the

contention that it is unpatentable over the '654 patent. The Examiner has rejected claims 13-15 under 35 U.S.C. §103 based on the contention that it is unpatentable over the '654 patent in view of U.S. Patent No. 5,964,155 issued to Platsche (the '155 patent). Applicant traverses the Examiner's rejection.

Specifically, with respect to claim 1, the Examiner contends that guiding parts 12 and 13 in the '654 patent correspond to the guiding elements having guiding sides as claimed. Applicant submits that the plates 12 and 13 of the '654 patent form part of a plate shutter controlling the flow of powder gas. These guide surfaces provided by the plates 12 and 13 are perpendicular to the direction of powder flow and cooperate with the shutter plate 11. Significantly, they are not exposed to the powder flow; rather, they are concealed in the plate stack. As such, the '654 patent does not teach of defining powder flow channels by providing two angled powder guiding elements.

In an effort to clearly differentiate the teachings of the '654 patent, Applicant has amended claims so as to add the term "powder" before both "guiding element" and "guiding side" so as to clearly identify that the guiding elements guide powder. Applicant submits that, with the present amendment, the rejections under 35 U.S.C. §102 have been overcome.

With respect to claim 2, the Examiner contends that the guiding plate 13' of the '654 patent is formed with 90° sides. Applicant submits that the circumferential walls of the opening 13.1 (to which Applicant believes the Examiner is actually referring) has no noticeable extension in the direction of the powder flow. Inherent in the Applicant's "guiding side" is that it has a sufficient extension so as to determine the geometry of the powder stream. This is not inherent in the opening 13.1 of the '654 patent. Moreover, the '654 patent does not suggest an inclination of the side walls of the opening 13.1 which is different from 90°. Accordingly, Applicant submits

that claim 2, which depends from claim 1, as amended, should be deemed patentable over the prior art.

With respect to the rejections of claims 13 to 15 based upon the combination of the '654 patent and the '155 patent, Applicant submits that just at the '654 patent, the '155 patent does not disclose angled guiding elements defining the powder gas guiding channels as disclosed and claimed in the present application. Thus, the combination does not render claims 13 to 15 as obvious.

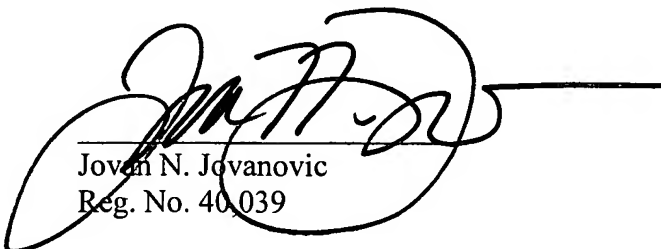
Accordingly, Applicant submits that claims 1 through 21, as amended, should be deemed allowable at the present time. Furthermore, Applicant submits that claims 22 through 27 should likewise be deemed allowable at the present time.

Inasmuch as Applicant has added a further 6 claims, an appropriate additional claims fee is included herewith. Should any further fees be required, Applicant authorizes that such fees be withdrawn from Applicant's Attorney's Deposit Account 50-2131.

In light of the foregoing, Applicant submits that the invention is presently in condition for substantive examination. Reconsideration and substantive examination is respectfully solicited.

Respectfully Submitted,

Dated: 9/22/05


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